

REMARKS

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 10-14 and 16-23 are pending. Claims 10, 11, 13, 16 and 18 are amended without prejudice.

No new matter is added.

It is submitted that these claims are patentably distinct from the documents cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendment to the claims and remarks made herein are not for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. OBJECTION TO THE CLAIMS

Claim 10 was objected to under 37 C.F.R. §1.75(c); and claims 10, 11, 13, 16 and 18 were objected to for alleged informalities. The amendments to the claims render the objections moot.

Consequently, reconsideration and withdrawal of the objections to the claims are respectfully requested.

III. 35 U.S.C. §103 REJECTIONS

Claims 10-14 and 17-20 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,532,030 to Hirose et al. in view of U.S. Patent No.

3,786,221 to Silverman or U.S. Patent No. 3,900,120 to Sincock and U.S. Patent No. 5,702,665 to Valyi, U.S. Patent No. 4,325,797 to Hale et al. or U.S. Patent No. 4,285,657 to Ryder. Claim 16 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,532,030 to Hirose et al. in view of U.S. Patent No. 3,786,221 to Silverman or U.S. Patent No. 3,900,120 to Sincock and U.S. Patent No. 5,702,665 to Valyi, U.S. Patent No. 4,325,797 to Hale et al. or U.S. Patent No. 4,285,657 to Ryder and further in view of U.S. Patent No. 5,556,920 to Tanaka et al. Claims 21 and 22 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,532,030 to Hirose et al. in view of U.S. Patent No. 3,786,221 to Silverman or U.S. Patent No. 3,900,120 to Sincock and U.S. Patent No. 5,702,665 to Valyi, U.S. Patent No. 4,325,797 to Hale et al. or U.S. Patent No. 4,285,657 to Ryder and further in view of U.S. Patent No. 4,442,147 to Schirmer and U.S. 2002/0037393A1 to Strobel et al. And claim 23 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,532,030 to Hirose et al. in view of U.S. Patent No. 3,786,221 to Silverman or U.S. Patent No. 3,900,120 to Sincock and U.S. Patent No. 5,702,665 to Valyi, U.S. Patent No. 4,325,797 to Hale et al. or U.S. Patent No. 4,285,657 to Ryder. The rejections will be collectively addressed and respectfully traversed.

The Office Action presents a series of obviousness rejections based on combinations of **nine (9)** U.S. patents. None of the cited patents, however, teaches, suggests or motivates a skilled artisan to practice the instantly claimed invention.

For example, none of the patents teaches or suggests the instantly claimed puncture resistance of less than 300 N/mm. As such, Applicants' invention may be considered a selection invention, as the stretching ration is adjusted to keep the puncture resistance low. Such a selection was not taught or suggested by either Hirose, Silverman or any of the other secondary references.

Applicants disagree with the Examiner's allegations that puncture resistance and impact resistance are synonymous. Although impact resistance and puncture resistance are both mechanical properties, a skilled artisan would not consider them to be the *same* mechanical property. Silverman and the secondary references such as Sincock relate to improving the impact resistance, i.e., the mechanical strength, of a polymer by molecular orientation. By contrast, the object of the instant invention is **not** to improve the mechanical strength of the film, but rather to adjust the puncture resistance and tenacity in a defined range.

More specifically, a low puncture resistance is necessary for the instant film to be useful as a cover film for blister packages. If the puncture resistance is too high (more than 300 N/mm), it becomes very difficult to remove the contents of the package without tools. In other words, having a cover film with a high mechanical strength, as suggested by Silverman and the secondary references such as Sincock, would not teach or motivate a skilled artisan to practice the instant invention. As such, Silverman and the other secondary references teach away from the instant invention.

Applicants must respectfully reiterate that "obvious to try" is not the standard upon which an obviousness rejection should be based. *See In re Fine*. And as "obvious to try" would be the only standard that would lend the Section 103 rejections any viability, the rejections must fail as a matter of law.

Consequently, reconsideration and withdrawal of the Section 103 rejections are respectfully requested.

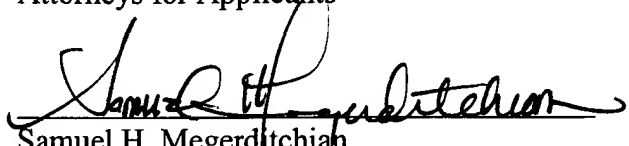
CONCLUSION

In view of the amendments and remarks herewith, and those on record, the present application is in condition for allowance. Early and favorable reconsideration and prompt

issuance of a Notice of Allowance are earnestly solicited. If any issue remains as an impediment to allowance, an interview is respectfully requested and the Examiner is urged to contact the undersigned by telephone to arrange a mutually convenient time and manner for the interview.

Respectfully submitted,
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